

PROB 12C
(7/93)

Report Date: April 2, 2010

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 05 2010

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Sylvester Sam Dave

Case Number: 2:99CR02067-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 11/10/1999

Original Offense: Crime on an Indian Reservation, Sexual Assault, 18 U.S.C. §§ 1153 and 2241(c)

Original Sentence: Prison - 87 Months;
TSR - 60 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 11/22/2009

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 2/15/2011

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition #20:** Defendant shall undergo a substance abuse evaluation and, if indicated by licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. Defendant shall contribute to the cost of treatment according to defendant's ability to pay. Defendant shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Dave failed to report for scheduled appointments at the Yakama Nation Drug and Alcoholism program on February 23, March 8, and 18, 2010.

According to Mr. Dave's counselor at the Yakama Nation Drug and Alcoholism program, the defendant reported for intake on February 16, 2010. The defendant was given future scheduled appointments as noted above, but failed to comply.

- 2 **Special Condition #16:** The defendant shall submit to a certified sexual deviancy evaluation, actively participate in treatment, and comply with all rules, regulations and requirements of the treatment program.

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Supporting Evidence: Mr. Dave failed to attend a scheduled appointment at Alliance Counseling on March 26, 2010.

On March 16, 2010, this officer called the defendant's father and a message was left for the defendant that an appointment had been scheduled for him to meet with Dr. Cross at Alliance Counseling. The defendant's father stated he would make sure his son received this message. On March 26, 2010, this officer spoke with the defendant's father who confirmed he gave the defendant the message regarding this appointment. On this same date, a voice mail message was received from Mr. Dave, in which he advised he forgot about his appointment with Dr. Cross and missed it. The defendant also stated he would report to the probation office on Monday, March 29, 2010, to meet with this officer. Mr. Dave has yet to contact this officer.

- 3 **Special Condition #21:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six testes per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Dave failed to submit to a random drug test at Merit Resource Services on March 24, 2010.

- 4 **Standard Condition # 6:** The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.

Supporting Evidence: Mr. Dave has failed to report a change of residence as of April 2, 2010.

On March 16, 2010, this officer called the defendant's father and advised him I was trying to reach his son, but was having no success. The defendant's father advised his son is living somewhere in Yakima with a girlfriend, that works at Legends Casino. On March 24, 2010, a home visit was conducted and this officer was informed the defendant has not been at this residence for approximately 2 months. A business card was left with relatives of the defendant, with instructions for the defendant to report to the probation office before the end of business on March 26, 2010. To date, Mr. Dave has yet to report to the probation office.

- 5 **Special Condition # 19:** The defendant shall register as a sex offender.

Supporting Evidence: Mr. Dave failed to report a change of address at the Yakima County Sheriff's Office (YSO) as of April 2, 2010.

On March 2, 2010, Mr. Dave submitted a monthly report form showing he was residing at 421 Fifth Avenue, Parker, Washington. On April 2, 2010, this officer called YSO and was advised Mr. Dave was registered at 451 Fifth Avenue, Parker, Washington. This officer informed the sheriff's office of the listed address the defendant had with probation. According to YSO, Mr. Dave has yet to report a change of address.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

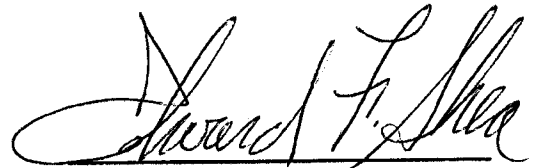
Executed on: April 2, 2010

s/Jose Zepea

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

4/5/10

Date